

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CATHERINE GOULD, individually and on)	
behalf of all others similarly situated,)	
)	
Plaintiff,)	
)	Case No.: 4:17-CV-2305
vs.)	
)	Circuit Court of St. Louis County
FARMERS INSURANCE EXCHANGE,)	Case No.: 17SL-CC02506
FARMERS INSURANCE COMPANY, INC.,)	
FIRE INSURANCE EXCHANGE,)	
)	
Defendants.)	
)	

NOTICE OF REMOVAL

COME NOW Defendants Farmers Insurance Exchange, Farmers Insurance Company, Inc., and Fire Insurance Exchange (collectively, “Defendants”) hereby submit this Notice of Removal for the above-captioned matter from the Circuit Court of the Twenty-First Judicial Circuit, St. Louis County, Missouri to the United States District Court for the Eastern District of Missouri pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. In support of such removal, Defendants state as follows:

THE PARTIES

1. Plaintiff Catherine Gould (“Plaintiff”) is an individual who resides in Cook County, Illinois. Pet. ¶ 1.
2. Defendant Farmers Insurance Exchange is and was, at all relevant times, an inter-insurance exchange duly organized and existing under the laws of the State of California with its principal place of business in Los Angeles, California. See Pet. ¶ 3.

3. Defendant Farmers Insurance Company, Inc. is a corporation formed under the laws of the State of Kansas with a principal place of business in Olathe, Kansas.

4. Defendant Fire Insurance Exchange is and was, at all relevant times, an inter-insurance exchange duly organized and existing under the laws of the State of California with its principal place of business in Los Angeles, California. *See* Pet. ¶ 3.

FEDERAL QUESTION JURISDICTION EXISTS

5. On July 11, 2017, Plaintiff filed a Petition in the Circuit Court of the Twenty-First Judicial Circuit, St. Louis County, Missouri captioned *Catherine Gould v. Farmers Insurance Exchange et al.*, Case No. 17SL-CC02506 (“State Court Action”).

6. This Court has original jurisdiction over the action under 28 U.S.C. § 1331 because this action is a putative class action against Defendants seeking statutory damages for alleged violations of the Telephone Consumer Protection Act of 1991 (“TCPA”), 47 U.S.C. § 227 et seq. *See* Pet. ¶¶ 40-45; *see also Mims v. Arrow Fin. Servs., LLC*, 565 U.S. 368, 379 (2012) (holding that U.S. District Courts have federal question jurisdiction over claims under the TCPA); *Heller v. HRB Tax Grp., Inc.*, No. 4:11CV1121 TIA, 2012 WL 163843, at *2 (E.D. Mo. Jan. 19, 2012) (denying motion to remand TCPA action) (citing *Mims*, 565 U.S. 368).

7. In relevant part, Plaintiff alleges that Defendants sent text messages to her cell phone without her consent using an automatic telephone dialing system. *See* Pet. ¶¶ 24-39. Defendants dispute Plaintiff’s allegations, believe the Petition lacks merit, and deny that Plaintiff or any putative class members have sustained any damages.

THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED

8. On July 27, 2017, Plaintiff served a copy of the summons and complaint on the Missouri Department of Insurance. This Notice of Removal is therefore timely filed within thirty (30) days after service upon Defendants pursuant to 28 U.S.C. § 1446(b).

9. This Notice of Removal is properly directed to this Court pursuant to 28 U.S.C. § 1446(a) because this is the U.S. District Court embracing the Circuit Court of the Twenty-First Judicial Circuit, St. Louis County, Missouri, where Plaintiff's petition is pending.

10. As required by 28 U.S.C. § 1446(a), a copy of all records and proceedings from the Circuit Court of the Twenty-First Judicial Circuit, City of St. Louis, Missouri is attached hereto. A copy of the Petition is attached as **Exhibit A**. A copy of the docket and remaining files on record and process in the State Court Action are attached as **Exhibit B**.

11. In accordance with 28 U.S.C. § 1446(d), Defendants have filed a written notice of this removal with the Circuit Court of the Twenty-First Judicial Circuit, St. Louis County, Missouri, where Plaintiff's Petition is pending. A copy of this Notice of Removal and the written notice of the same also are being served upon Plaintiff.

12. Pursuant to Local Rule 2.03, Defendants will file proof with this Court that the Notice of Removal was filed with the Clerk of the Twenty-First Circuit Court of Missouri.

13. A Civil Cover Sheet and Original Filing Form are filed with this Notice. Defendants will also file Disclosures of Corporate Interests.

WHEREFORE, Defendants hereby remove the State Court Action, now pending in the Circuit Court of the Twenty-First Judicial Circuit, St. Louis County, Missouri, to the U.S. District Court for the Eastern District of Missouri. Nothing in this Notice of Removal should be construed as a waiver of objections that may be asserted as to service, jurisdiction or venue, or

any other defenses or objections that Defendants have or may have to this action. Furthermore, Defendants intend no admission of fact, law or liability by this Notice of Removal, and expressly reserve all defenses, motions and/or pleas.

Respectfully submitted,

/s/Timothy J. Wolf

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Attorneys for defendants Farmers Insurance
Exchange, Farmers Insurance Company, Inc.,
and Fire Insurance Exchange

CERTIFICATE OF SERVICE

I hereby certify on this 24th day of August, 2017, a copy of the foregoing document was served via the court's electronic filing system to:

David T. Butsch
Christopher E. Roberts
Butsch Roberts & Associates LLC
231 South Bemiston Ave., Suite 260
Clayton, MO 63105

/s/Timothy J. Wolf